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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,927	01/07/2002	William L. Sletten	16059-103	4066

7590 10/20/2004  
PAUL A. WELTER  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER
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PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/041,927

Applicant(s)

SLETTEN ET AL.

Examiner

Thomas Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 15 and 16 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis U.S. Patent 4,803,951.

Davis teaches an enclosure for pets which is structurally similar to the Applicant's claimed collapsible animal container. Davis teaches a flexible material housing 10 having a top wall, a bottom wall, a pair of end walls, and a pair of sidewalls. See Figures 1-3. A pair of support members in the housing, with each support member positioned adjacent an opposing wall of the housing. Each support member includes a peripheral shape substantially corresponding to the opposing walls of the housing (24, 26, 28, 30, 32, 34, 36 and 38). Elements 33 and/or 35 are considered to be struts secured between the support members to maintain the opposing support members in a separated positioned and to support the housing. Regarding claims 2 and 8-11, when in the erected positioned and in combination with the outer covering, the support member is a rigid panel. As for claim 3, each support member includes a series of members which form a peripheral frame. As for claims 6 and 7, mesh 60 is considered to be at least one window in at least one of the sidewalls and the end walls.

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Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Chou U.S. Patent 6,6715,446. Davis does not teach the use of a mesh door in the enclosure. However, Chou teaches an animal enclosure having a mesh door. Regarding the claims, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davis with a mesh door, in view of the teachings of Chou, in order to restrict the animal from leaving the enclosure yet giving the animal the ability to look out of the enclosure.

Claims 13, 14 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis U.S. Patent in view of Liang U.S. Patent 5,702,010.

Davis does not teach a collapsible strut member. However, Liang teaches a collapsible strut member having end caps which are threadedly attached to the ends of the strut member or rod. Regarding the claims, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify strut member of Davis with a telescopic strut member, in view of the teachings of Liang, in order access in the collapsing and storage of the animal enclosure. As for claim 21, the use of a peelable adhesive in connecting the polyvinylchloride members is well known and thus deemed to be obvious to a person ordinary skill in the art at the time the invention was made in order to secure the individual elements together.

### ***Conclusion***

Summary: Claims 1-14 and 17-22 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-

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2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas Price  
Primary Examiner GAU: 3643

rtp